

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LOS ANGELES REGION**

ORDER No. R4-2009-00XX

WASTE DISCHARGE REQUIREMENTS (WDR) FOR:

**LOS ANGELES COUNTY DEPARTMENT OF PUBLIC WORKS (DISCHARGER),
PROPOSED MAINTENANCE CLEARING OF ENGINEERED EARTH-BOTTOM
FLOOD CONTROL CHANNELS, LOS ANGELES COUNTY (File No. 99-011)**

The California Regional Water Quality Control Board, Los Angeles Region, hereinafter Regional Board, finds that:

1. The County of Los Angeles Department of Public Works (County) is responsible for providing flood control through a network of channels (which are also waters of the State) throughout Los Angeles County to ensure public safety. Adequate channel capacity needs to be maintained in order to avoid any loss of life or property due to floods.
2. Channel capacity is maintained by clearing sediment, vegetation and debris within the channel to an engineered, pre-designed level.
3. For dredge and fill activities such as channel clearing, the Clean Water Act (CWA) requires permitting from the Army Corps of Engineers (ACOE) under CWA Section 404 and Water Quality Certification by the State under CWA Section 401. In addition, under the State of California Fish and Game Code, Section 1600, such activities are also regulated by a Streambed Alteration Agreement (SAA) issued by the California Department of Fish and Game (CDFG)
4. Such discharges may also be regulated under the State of California's Porter-Cologne Water Quality Control Act by Waste Discharge Requirements (WDR). Pursuant to California Water Code (CWC) section 13263, the Regional Water Quality Control Boards are required to prescribe waste discharge requirements (WDRs) for any proposed or existing discharge unless WDRs are waived pursuant to CWC section 13269.

Background/History

5. In 1997, the County proposed complete clearing of 100 earth-bottom channels in anticipation of the El Niño storm season, representing a total of 886 acres. Of this acreage, approximately 203 acres were vegetated.
6. In 1999, a Streambed Alteration Agreement, Memorandum of Understanding was entered into by the County and CDFG (MOU 5-076-99). During the time of the MOU development, the Regional Board and the ACOE developed the first programmatic permit and certification for the earth-bottom channel maintenance activities utilizing limits developed for the 1997, pre El Niño, clearing. However, the agencies involved intended

- to develop a more comprehensive plan in subsequent years beyond direct use of the 1997 limits. The goal was to develop a plan that would allow for vegetation/habitat to remain, to the maximum extent feasible, within these earth-bottom channels.
7. The County's vegetation and debris clearing (maintenance) activities were permitted by the ACOE under CWA Section 404 Nationwide Permit 31 "Maintenance of Existing Flood Control Facilities" in 1998 which was certified by the Regional Board under CWA Section 401 Water Quality Certification (File No. 99-011) in 1999.
 8. The ACOE has authorized this work under Nationwide Permit 31 "Maintenance of Existing Flood Control Facilities." The ACOE (after evaluation of updated information), has reissued the Nationwide Permit every two years since 1998. The latest Nationwide Permit was issued in September 2008.
 9. The number of soft bottom channels authorized to be maintained under the Nationwide Permit has changed during each permit cycle due to channels being combined together, or the addition of new channels. The ACOE divides channels into reaches that it considers to be sensitive and non-sensitive based on a Biological Opinion from the US Fish and Wildlife Service. The ACOE normally incorporates special conditions such as avoidance of nesting seasons or hand clearing, for reaches it deems to be sensitive.
 10. The Water Quality Certification was renewed by the Regional Board on October 17, 2003, authorizing maintenance of 99 earth-bottom channels. At that time, the ACOE permitted maintenance of the same channels in a letter dated October 21 (61 channels), 2003 and in a letter dated December 22, 2003 (17 channels) under Nationwide Permit 31. ACOE total channel numbers differ from the CDFG or Regional Board Certification total channel numbers because the ACOE combined channels in their permits.
 11. In 2003, the State Water Resources Control Board issued State Water Resources Control Board Order No. 2003 - 0017 - DWQ, "General Waste Discharge Requirements for Dredge and Fill Discharges that have received State Water Quality Certification", which requires compliance with all conditions of Water Quality Certifications. The 2003 renewal of the Water Quality Certification also regulated the discharges from earth-bottom channel maintenance under that order.
 12. The 2003 renewal of the Water Quality Certification was amended in September 2006. The amended Certification allowed for maintenance clearing activities in earth-bottom channel reaches within the County of Los Angeles. The amended Certification expired on March 15, 2007.
 13. On March 14, 2007, a certification application package was submitted with attachments requesting renewal and amendment of the Certification. The County requested to renew and further amend the Certification to include additional channel reaches and modify current Maintenance Plans. The application was deemed complete on July 10, 2008.

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14. The amended Certification was extended by the Regional Board by letter on September 10, 2007 until March 15, 2008, and extended by letter again on August 29, 2008 until January 31, 2009.
15. The Regional Board letter of August 29, 2008, which extended the Certification, required certain information be submitted to the Board by November 14, 2008. To wit:

By this letter, we require the County to submit to us a technical report with a reach by reach list of all the reaches proposed to be included in the renewed Certification with a hydrologic analysis of each reach and a assessment of the biological functions and values for each reach. This report shall be submitted by November 14, 2008 which will ensure we can complete the renewed certification in timely manner.

The required information was not submitted.

16. A tentative Certification, "99-011, 2009 renewal" was released for public comment on July 6, 2009. Written comments were accepted until 5:00 p.m. on August 5, 2009. Response to comments and a revised tentative Certification were prepared and published on the Regional Board website.
17. The Certification "99-011, 2009 renewal" was unable to be issued by the Regional Board because more than one year had passed from submission of a complete application (CWA SEC. 401. [33 U.S.C. 1341] paragraph (1). Accordingly, pursuant to Federal Law, the County was authorized to proceed pursuant to Nationwide Permit No. 31 without conditions imposed by the Regional Board in the permit. To ensure compliance with State Water Quality Standards, the Basin Plan and other applicable Regional and State policies for Water Quality Control, these waste discharge requirements are adopted to regulate the County's earth-bottom channel maintenance activities. The channel clearing activities continue to be regulated under and must separately comply with the provisions of the County's CWA Section 404 permit and the CDFG SAA.
18. These Waste Discharge Requirements include 10 new channel reaches in addition to the reaches previously included in the Certification, including two (2) channel reaches with 401 Certifications recently issued to a developer that are now being transferred to the County for future maintenance activities. These Waste Discharge Requirements also include the deletion of several reaches previously covered by the Certification that are no longer earth-bottom channels.
19. The current CWA Section 404 permit, Nationwide Permit 31, issued by the ACOE authorizes maintenance in 91 channels. If the County obtains a CWA Section 404 permit for the additional channels covered by this WDR then this WDR will also articulate the Regional Board's necessary requirements to ensure that the discharge of dredge or fill material is protective of State Water Quality Standards and this WDR will act as a CWA

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Section 401 Water Quality Certification for channel maintenance as described herein, for those channels.

20. Pursuant to section 3860, Title 23, California Code of Regulations (23 CCR), the following three standard conditions shall apply to these new reaches:
- a. this certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to section 13330 of the California Water Code and 23 CCR section 3867 et seq.;
 - b. this certification action is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to 23 CCR subsection 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought;
 - c. this certification is conditioned upon total payment of any fee required pursuant to 23 CCR division 3, chapter 28, and owed by the applicant.
21. Neither this WDR, nor the previous Certification, authorize any new construction or modification of flood control facilities.
22. The County developed a Maintenance Plan for the Annual Clearing of Earth-Bottom Control Channels in 1999 in conjunction with County ACOE, CDFG and Regional Board. The current Maintenance Plan to which the ACOE, CDFG, Regional Board and the County all agree is the 1999 Maintenance Plan.

FEMA Levee Certification

23. Currently, the County is a participating community in the National Flood Insurance Program (NFIP). The Federal Emergency Management Agency (FEMA) administers the NFIP, identifies flood hazards, assesses flood risks, and provides appropriate flood hazard and risk information to communities. This information is provided through Flood Insurance Rate Maps (FIRMs). FEMA is currently updating these maps and modernizing FIRMs. This effort is called Flood Map Modernization or Map Mod.
24. FEMA has required all levee owners to certify their levees before mapping them in Map Mod. Property owners in the communities protected by these levees have a 1-percent-annual-chance (100-year flood) level of flood protection and will likely not be required to secure flood insurance by lenders.

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25. The County is currently undertaking the effort to certify 65 miles of levees in the County. The County is the lead for Compton Creek (partially, with ACOE), San Gabriel River, Coyote Creek, Dominguez Channel, Santa Clara River, and Los Cerritos Channel.
26. The levee certification consists of three main technical components:
 1. Hydrological and hydraulic (H&H) analysis;
 2. Subsurface soil exploration and geotechnical/structural (design) analysis; and
 3. Formal Operation and Maintenance (O & M) Plan and Report.
27. The completed certification work is due to FEMA by October 16, 2009. Once the documentation is submitted, FEMA may accredit the levee systems, where appropriate, and present the updated, accurate flood hazard and risk information on the maps and related documents.
28. In order to obtain FEMA certification for the levees, the County is required to demonstrate that maintenance of the channels will alleviate flood hazard conditions to the adjacent residents.

IT IS HEREBY ORDERED that the Los Angeles County Department of Public Works, in order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted thereunder, shall comply with the following, pursuant to authority under Cal. Water Code Sections 13263 and 13267.

Permitted Activities

29. The County proposes to clear vegetation and debris from 99 earth-bottom channel reaches in order to provide flood control and protect human health and property.
30. The 99 channels include a total of 45 miles of waterways throughout Los Angeles County and approximately 787 acres of jurisdictional waters of the United States.
31. The reaches listed in Table 1 are included under this WDR. This list is consistent with the County list updated and sent to the Regional Board on July 6, 2009 and with the list in the ACOE permit dated September 8, 2008 (with exceptions noted).

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Table 1. Reaches Included

	Name	County Reach No.	Hydro -Unit No.	Beneficial Uses	Length (ft)	Area (acre)
Los Angeles River Watershed						
1	Bell Creek	1	405.21	MUN, GWR, REC-1, REC-2, WARM, WILD	196	0.90
2	Dry Canyon Creek	2	405.21	MUN, GWR, REC-1, REC-2, WARM, WILD.	1546	1.24
3	Santa Susana Creek, tributary to Browns Canyon Creek	3	405.21	MUN, GWR, REC-1, REC-2, WARM, WILD	75	0.06
4	Browns Canyon Creek	4	405.21	MUN, GWR, REC-1, REC-2, WARM, WILD.	1243	3.00
5	Caballero Creek, West Fork	5	405.21	MUN, GWR, REC-1, REC-2, WARM, WILD	652	1.30
6	Caballero Creek M.C.I., East Fork	6	405.21	MUN, GWR, REC-1, REC-2, WARM, WILD	160	0.35
7	Bull Creek	7	405.21	MUN, GWR, REC-1, REC-2, WARM, WILD	2602	5.61
8	Tributary to the Sepulveda Flood Control Basin Project No. 470 outlet	8	405.21	MUN, GWR, REC-1, REC-2, WARM, WILD, WET	529	0.30
9	Tributary to the Sepulveda Flood Control Basin Project No.106	9	405.21	MUN, GWR, REC-1, REC-2, WARM, WILD, WET	120	0.12
10	Tributary to the Sepulveda Flood Control Basin Project No. 469	10	405.21	MUN, GWR, REC-1, REC-2, WARM, WILD, WET.	4194	7.12
11	Haines Canyon Creek	12	405.23	MUN, GWR, REC-1, REC-2, WARM, WILD, RARE	437	0.40
12	Tributary to Hansen Lake Project No. 5215 Unit1	13	405.23	MUN, GWR, REC-1, REC-2, WARM, WILD, RARE	537	0.55
13	May Canyon Creek	14	405.22	MUN, GWR, REC-1, REC-2, WARM, WILD, RARE	690	0.63

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	Name	County Reach No.	Hydro -Unit No.	Beneficial Uses	Length (ft)	Area (acre)
14	Pacoima Wash	15	405.21	MUN, GWR, REC-1, REC-2, WARM, WILD, RARE.	4762	5.25
15	Verdugo Wash-Las Barras Canyon channel inlet	16	405.24	MUN, GWR, REC-1, REC-2, WARM, WILD.	130	0.07
16	Sheep Corral Channel, tributary to Verdugo Wash	17	405.24	MUN, GWR, REC-1, REC-2, WARM, WILD.	300	0.14
17	Engleheard Channel, tributary to Verdugo Wash	18	405.24	MUN, GWR, REC-1, REC-2, WARM, WILD	800	1.10
18	Pickens Canyon, tributary to Verdugo Wash,	19	405.24	MUN, GWR, REC-1, REC-2, WARM, WILD	2406	3.42
19	Webber Channel, tributary to Halls Canyon Channel	20	405.24	MUN, IND, PROC, GWR, REC-1, REC-2, WARM, WILD	115	0.13
20	Webber Channel (main channel inlet at bridge), tributary to Halls Canyon Channel	21	405.24	MUN, IND, PROC, GWR, REC-1, REC-2, WARM, WILD	25	0.03
21	Halls Canyon Channel	22	405.24	MUN, IND, PROC, GWR, REC-1, REC-2, WARM, WILD	2290	2.63
22	Compton Creek	24	405.15	MUN, GWR, REC-1, REC-2, WARM, WILD, WET	11000	30.30
23	Los Angeles River	25	405.12	MUN, IND, PROC, GWR, NAV, REC-1, REC-2, COMM, WARM, EST, MAR, WILD, RARE, MIGR, SPWN, SHELL, WET	4800	56.20
					totals:	39609
						121
Dominguez Channel Watershed						
24	Tributary to Dominguez Channel Project No. 74	26	405.12	MUN, NAV, REC-1, REC-2, COMM, WARM, EST, MAR, WILD, RARE, MIGR, SPWN.	900	0.35
25	Wilmington Drain, tributary to Harbor Lake	27	405.12	MUN, REC-1, REC-2, WARM, WILD, RARE, WET. .	3584	7.87
					totals:	4484
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	Name	County Reach No.	Hydro -Unit No.	Beneficial Uses	Length (ft)	Area (acre)
Malibu Creek Watershed						
26	Triunfo Creek	28	404.25	MUN, GWR, REC-1, REC-2, WARM, WILD, RARE	474	23.00
27	Las Virgenes Creek	29	404.22	MUN, REC-1, REC-2, WARM, COLD, WILD, RARE, MIGR, SPWN, WET	371	1.16
28	Stokes Canyon Channel, tributary to Las Virgenes Creek	32	404.22	MUN, REC-1, REC-2, WARM, COLD, WILD, RARE, MIGR, SPWN, WET	2255	1.40
29	Medea Creek (PD T1378)	33	404.23	MUN, GWR, REC-1, REC-2, WARM, COLD, WILD, RARE, WET.	946	0.69
30	Medea Creek (PD T1005) Main Channel Outlet	34	404.23	MUN, GWR, REC-1, REC-2, WARM, COLD, WILD, RARE, WET	405	0.19
31	Medea Creek under Route 101	35	404.23	MUN, GWR, REC-1, REC-2, WARM, COLD, WILD, RARE, WET	85	0.14
32	Cheseboro Main Channel Inlet, tributary to Medea Creek,	36	404.23	MUN, GWR, REC-1, REC-2, WARM, COLD, WILD, RARE, WET	56	0.08
33	Medea Creek, downstream of Agoura Road	37	404.23	MUN, GWR, REC-1, REC-2, WARM, COLD, WILD, RARE, WET	170	0.47
34	Lindero Creek	38	404.23	MUN, REC-1, REC-2, WARM, WILD	187	0.19
totals:					4949	27
San Gabriel River Watershed						
35	San Gabriel River, Beatty Channel Outlet	39	405.42	MUN, IND, PROC, AGR, GWR, REC-1, REC-2, WARM, COLD, WILD, RARE	145	0.32
36	San Gabriel River, downstream of Santa Fe dam	40	405.41	MUN, GWR, REC-1, REC-2, WARM, WILD, RARE	31370	254.22
37	Walnut Creek	41	405.41	MUN, GWR, REC-1, REC-2, WARM, WILD, WET.	5438	40.90

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	Name	County Reach No.	Hydro -Unit No.	Beneficial Uses	Length (ft)	Area (acre)
38	San Jose Creek 1000' downstream from end of concrete at COE Station 87+25.00	42	405.41	MUN, GWR, REC1, REC2, WILD, WET	80	2.75
39	San Gabriel River – upper	43	405.42	MUN, IND, PROC, AGR, GWR, REC-1, REC-2, WARM, COLD, WILD, RARE	6500	74.61
40	San Gabriel River, Rubber Dams	44	405.42	MUN, IND, PROC, AGR, GWR, REC-1, REC-2, WARM, COLD, WILD, RARE	31900	175.76
41	Inlet Walnut Creek	98	405.41	MUN, GWR, REC-1, REC-2, WARM, WILD, WET	30	0.03
totals:					75463	549

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Santa Clara River Watershed						
42	Sand Canyon, Main Channel Inlet, tributary to the Santa Clara River	45	403.51	MUN, IND, PROC, AGR, GWR, FRSH, REC-1, REC-2, WARM, WILD, RARE, WET	102	0.05
43	Main Channel Outlet, tributary to the Santa Clara River,	46	403.51	MUN, IND, PROC, AGR, GWR, FRSH, REC-1, REC-2, WARM, WILD, RARE, WET	80	0.06
44	Santa Clara River (PD 1733)	47	403.51	MUN, IND, PROC, AGR, GWR, FRSH, REC-1, REC-2, WARM, WILD, RARE, WET	1656	0.76
45	Mint Canyon Channel, Sierra Hwy & Adon Ave, tributary to the Santa Clara River,	48	403.51	MUN, IND, PROC, AGR, GWR, FRSH, REC-1, REC-2, WARM, WILD.	1800	3.10
46	Mint Canyon Channel, Adon Ave & Scherzinger, tributary to the Santa Clara River	49	403.51	MUN, IND, PROC, AGR, GWR, FRSH, REC-1, REC-2, WARM, WILD	394	0.68
47	Mint Canyon Channel, Solomint & Soledad, tributary to the Santa Clara River	50	403.51	MUN, IND, PROC, AGR, GWR, FRSH, REC-1, REC-2, WARM, WILD, RARE, WET	669	1.54

	Name	County Reach No.	Hydro -Unit No.	Beneficial Uses	Length (ft)	Area (acre)
48	Mint Canyon Channel, (PD 1894)/Santa Clara River, tributary to the Santa Clara River,	51	403.51	MUN, IND, PROC, AGR, GWR, FRSH, REC-1, REC- 2, WARM, WILD	932	6.40
49	Sierra Hwy Rd Drainage, tributary to the Santa Clara River	52	403.51	MUN, IND, PROC, AGR, GWR, FRSH, REC-1, REC- 2, WARM, WILD.	880	0.40
50	Santa Clara River Non- main Channel. (PD 832) 25' downstream of Sierra Hwy	53	403.51	MUN, IND, PROC, AGR, GWR, FRSH, REC-1, REC- 2, WARM, WILD, RARE, WET	45	0.03
51	Santa Clara River Non- main Channel. (PD 832) 821' downstream of Sierra Hwy	54	403.51	MUN, IND, PROC, AGR, GWR, FRSH, REC-1, REC- 2, WARM, WILD, RARE, WET	298	0.31
52	Santa Clara River Main Channel, (PD's 910, 1758,1562 unit 2)	55	403.51	MUN, IND, PROC, AGR, GWR, FRSH, REC-1, REC- 2, WARM, WILD, RARE, WET	3014	-
53	Santa Clara River Main Channel. (PD 832)	56	403.51	MUN, IND, PROC, AGR, GWR, FRSH, REC-1, REC- 2, WARM, WILD, RARE, WET	452	0.47
54	Whites Canyon, tributary to Santa Clara River	57	403.51	MUN, IND, PROC, AGR, GWR, FRSH, REC-1, REC- 2, WARM, WILD, RARE, WET	696	2.64
55	Santa Clara River Main Channel (PD 374)	58	403.51	MUN, IND, PROC, AGR, GWR, FRSH, REC-1, REC- 2, WARM, WILD, RARE, WET	2064	-
56	Santa Clara River Main Channel (PD 1339 & 374)	60	403.51	MUN, IND, PROC, AGR, GWR, FRSH, REC-1, REC- 2, WARM, WILD, RARE, WET..	3258	-
57	Santa Clara River Main Channel (PD 659)	61	403.51	MUN, IND, PROC, AGR, GWR, FRSH, REC-1, REC- 2, WARM, WILD, RARE, WET	1634	1.50
58	Santa Clara River Main Channel (PD 659 & 754)	62	403.51	MUN, IND, PROC, AGR, GWR, FRSH, REC-1, REC- 2, WARM, WILD, RARE, WET.	3032	2.80

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	Name	County Reach No.	Hydro -Unit No.	Beneficial Uses	Length (ft)	Area (acre)
59	Oak Ave Rd Drainage, tributary to Santa Clara River,	63	403.51	MUN, IND, PROC, AGR, GWR, FRSH, REC-1, REC-2, WARM, WILD, RARE, WET	900	0.85
60	Soledad Canyon Road drain, tributary to Santa Clara River	64	403.51	MUN, IND, PROC, AGR, GWR, FRSH, REC-1, REC-2, WARM, WILD, RARE, WET	577	1.03
61	Santa Clara River Main Channel (PD 1538)	66	403.51	MUN, IND, PROC, AGR, GWR, FRSH, REC-1, REC-2, WARM, WILD, RARE, WET.	711	1.04
62	Bouquet Canyon, Upper	67	403.51	MUN, IND, PROC, AGR, GWR, FRSH, REC-1, REC-2, WARM, COLD, WILD, SPWN, WET	6176	16.30
63	Bouquet Canyon, Middle	69	403.51	MUN, IND, PROC, AGR, GWR, FRSH, REC-1, REC-2, WARM, COLD, WILD, SPWN, WET	6812	17.97
64	Bouquet Canyon, Lower [not covered by Sept 8, 2008 ACOE permit]	70	403.51	MUN, IND, PROC, AGR, GWR, FRSH, REC-1, REC-2, WARM, COLD, WILD, SPWN, WET	2954	-
65	Santa Clara River Main Channel (PD 1946)	71	403.51	MUN, IND, PROC, AGR, GWR, FRSH, REC-1, REC-2, WARM, WILD, RARE, WET.	346	1.01
66	South Fork of the Santa Clara River, Smizer Ranch	72	403.51	MUN, IND, PROC, AGR, GWR, FRSH, REC-1, REC-2, WARM, WIL	100	0.14
67	Wildwood Canyon Channel MCI (PD T361), tributary to the South Fork of the Santa Clara River	73	403.51	MUN, IND, PROC, AGR, GWR, FRSH, REC-1, REC-2, WARM, WILD	1	0.05
68	Wildwood Canyon Channel (PD T361), tributary to the South Fork of the Santa Clara River	74	403.51	MUN, IND, PROC, AGR, GWR, FRSH, REC-1, REC-2, WARM, WILD.	116	0.02
69	South Fork of the Santa Clara River (PD's 725, 916, 1041, &1300)	75	403.51	MUN, IND, PROC, AGR, GWR, FRSH, REC-1, REC-2, WARM, WILD.	13965	-

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	Name	County Reach No.	Hydro -Unit No.	Beneficial Uses	Length (ft)	Area (acre)
70	Pico Canyon (PD 813), tributary to the South Fork of the Santa Clara River	76	403.51	MUN, IND, PROC, AGR, GWR, FRSH, REC-1, REC- 2, WARM, WILD.	4120	4.26
71	Newhall Creek Outlet, tributary to the South Fork of the Santa Clara River	77	403.51	MUN, IND, PROC, AGR, GWR, FRSH, REC-1, REC- 2, WARM, WILD.	2136	6.29
72	Placerita Creek, tributary to the South Fork of the Santa Clara River	78	403.51	MUN, IND, PROC, AGR, GWR, FRSH, REC-1, REC- 2, WARM, WILD	440	1.16
73	South Fork of the Santa Clara River, Valencia Blvd Bridge Stabilizer	79	403.51	MUN, IND, PROC, AGR, GWR, FRSH, REC-1, REC- 2, WARM, WILD	167	1.17
74	South Fork of the Santa Clara River (PD's 1947 & 1946)	80	403.51	MUN, IND, PROC, AGR, GWR, FRSH, REC-1, REC- 2, WARM, WILD	2804	8.18
75	Santa Clara River Main Channel (PD 2278)	82	403.51	MUN, IND, PROC, AGR, GWR, FRSH, REC-1, REC- 2, WARM, WILD, RARE, WET.	865	4.80
76	Violin Canyon, tributary to Castaic Creek,	86	403.51	MUN, IND, PROC, AGR, GWR, FRSH, REC-1, REC- 2, WARM, WILD, RARE	946	1.30
77	Old Road Drain Outlet, tributary to Castaic Creek	87	403.51	MUN, IND, PROC, AGR, GWR, FRSH, REC-1, REC- 2, WARM, WILD, RARE.	240	0.19
78	Hasley Canyon Channel Upper (PD T1496)	88	403.51	MUN, IND, PROC, AGR, GWR, FRSH, REC-1, REC-2, WARM, WILD, RARE, WET.	1085	0.42
79	Tributary to Santa Clara River, Hasley Canyon South Fork	89		MUN, IND, PROC, AGR, GWR, FRSH, REC-1, REC- 2, WARM, WILD, RARE, WET.	341	0.28
80	Tributary to Santa Clara River, Hasley Canyon Lower (North Fork)	90	403.51	MUN, IND, PROC, AGR, GWR, FRSH, REC-1, REC- 2, WARM, WILD, RARE, WET.	1,189	0.68

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	Name	County Reach No.	Hydro -Unit No.	Beneficial Uses	Length (ft)	Area (acre)
81	tributary to Santa Clara River, San Martinez Chiquito Canyon, Kenington Road	91	403.51	MUN, IND, PROC, AGR, GWR, FRSH, REC-1, REC-2, WARM, WILD, RARE, WET.	530	0.31
82	tributary to Santa Clara River, San Martinez Chiquito Canyon, North Fork	92	403.51	MUN, IND, PROC, AGR, GWR, FRSH, REC-1, REC-2, WARM, WILD, RARE, WET.	637	0.29
83	Tributary to Santa Clara River, San Martinez Chiquito Canyon, Kenington Road /Val Verde Park	93	403.51	MUN, IND, PROC, AGR, GWR, FRSH, REC-1, REC-2, WARM, WILD, RARE, WET.	634	0.56
84	Tributary to Santa Clara River, San Martinez Chiquito Canyon, Val Verde Park/Madison Street	94	403.51	MUN, IND, PROC, AGR, GWR, FRSH, REC-1, REC-2, WARM, WILD, RARE, WET.	2,445	1.57
85	Little Rock Wash, Project No. 1224 from Avenue T to Confluence of Little Rock Creek	95	403.55	MUN, AGR, GWR, REC1, REC2, WARM, WILD.	1,883	7.95
86	Arroyo Calabasas PD 1591	96	405.21	MUN, REC-1, REC-2, WARM, WILD	320	0.92
87	Tributary to Castaic Creek PD 1982	97	403.51	MUN, IND, PROC, AGR, GWR, FRSH, REC-1, REC-2, WARM, WILD, RARE	2,000	2.30
88	Kagel Canyon Creek	99	405.23	MUN, GWR, REC-1, REC-2, WARM, WILD	4858	1.67
89	Dry Canyon Creek	100	405.21	MUN, GWR, REC-1, REC-2, WARM, WILD	60	0.05
90	Violin Canyon Tributary to Castaic, (PD 1707 & 2312) [not covered by Sept 8, 2008 ACOE permit]	101	403.51	MUN, IND, PROC, AGR, GWR, FRSH, REC-1, REC-2, WARM, WILD, RARE	1817	

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	Name	County Reach No.	Hydro -Unit No.	Beneficial Uses	Length (ft)	Area (acre)
91	Violin Canyon Tributary to Castaic, (PD 2275) [not covered by Sept 8, 2008 ACOE permit]	102	403.51	MUN, IND, PROC, AGR, GWR, FRSH, REC-1, REC- 2, WARM, WILD, RARE	978	
92	Bouquet Canyon Channel (PD 2225)	103	403.51	MUN, IND, PROC, AGR, GWR, FRSH, REC-1, REC- 2, WARM, COLD, WILD, SPWN, WET	1824	
93	Castaic Creek (PD 2441 Units 1 & 2) [not covered by Sept 8, 2008 ACOE permit]	104	403.51	MUN, IND, PROC, AGR, GWR, FRSH, REC-1, REC- 2, WARM, WILD, RARE.	2186	
94	San Francisquito Canyon Channel (PD 2456) [not covered by Sept 8, 2008 ACOE permit]	105	403.51	MUN, IND, PROC, AGR, GWR, FRSH, REC-1, REC- 2, WARM, WILD, RARE; SPWN; WET.	833	
95	Caustic Drain Outlet	106	403.51	MUN, IND, PROC, AGR, GWR, FRSH, REC-1, REC- 2, WARM, WILD, RARE	147	
96	The Old Road Channel RMD Channel) [not covered by Sept 8, 2008 ACOE permit]	107	403.51	MUN, IND, PROC, AGR, GWR, FRSH, REC-1, REC- 2, WARM, WILD, RARE, WET	943	
97	Pico Canyon (PD 2528) [not covered by Sept 8, 2008 ACOE permit]	108	403.51	MUN, IND, PROC, AGR, GWR, FRSH, REC-1, REC- 2, WARM, WILD, RARE, WET.	2910	
98	Santa Clara River - S. Bank W. of Mcbean PkwY MTD1510 [not covered by Sept 8, 2008 ACOE permit]	109	403.51	MUN, IND, PROC, AGR, GWR, FRSH, REC-1, REC- 2, WARM, WILD, RARE, WET	371	
99	Hasley Canyon Channel(PD2262) [not covered by Sept8, 2008 ACOE permit]	110	403.51	MUN, IND, PROC, AGR, GWR, FRSH, REC-1, REC- 2, WARM, WILD, RARE, WET	3736	
totals:					97109	104

Municipal and Domestic Supply (MUN), Agricultural Supply (AGR), Industrial Process Supply (PROC), Industrial Service Supply (IND), Ground Water Recharge (GWR), Freshwater Replenishment (FRSH), Navigation (NAV),

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Contact (REC-1) and Non-contact Recreation (REC-2), Commercial and Sport Fishing (COMM), Warm Freshwater Habitat (WARM), Cold Freshwater Habitat (COLD), Estuarine Habitat (EST), Wetland Habitat (WET), Marine Habitat (MAR), Wildlife Habitat (WILD), Rare, Threatened, or Endangered Species Habitat (RARE), Migration of Aquatic Organisms (MIGR), Spawning, Reproduction and/or Early Development (SPWN), Shellfish Harvesting (SHELL)

32. Channel reaches identified as County Reach numbers 11, 23, 30, 31, 65, 68, 81, 83, 84, and 85 are not included in this WDR and shall be removed from the Approved Maintenance Plan. Any required maintenance in these channels will be permitted or certified separately. This is reflected in Table 1.

33. Under this WDR, ten (10) new reaches will be included and are reflected in Table 1 and added to the Approved Maintenance Plan, described below:

1) Reach 101 - Violin Canyon (PD 2312)

This reach is located east of Interstate 5 and west of Emerald Lane in the community of Castaic in unincorporated Los Angeles County. The reach is within the Castaic Creek Watershed. The upstream limit of the reach is 2,637 feet upstream of Lake Hughes Road and the downstream limit of the reach is 820 feet upstream of Lake Hughes Road. This reach is approximately 1,817 feet in length.

2) Reach 102 - Violin Canyon (PD 2275)

This reach is located south of West Highland Court, east of adjacent open space, north of Oak Valley Road, and west of Sierra Oak Trail and Interstate 5 in the community of Castaic in unincorporated Los Angeles County. The reach is located within the Castaic Creek Watershed. The reach upstream limit is 1,072 feet upstream of the downstream face of Sierra Oak Trail and the downstream limit is 94 feet upstream of the downstream face of Sierra Oak Trail. This reach is approximately 978 feet in length.

3) Reach 103 - PD 2225 - Bouquet Canyon Channel (File No. 04-162)

This channel reach was transferred from a private housing developer to the County for maintenance. The reach was previously approved for maintenance under File No. 04-162, and will now be included under this WDR.

4) Reach 104 - Castaic Creek (PD 2441 UNIT 2)

This reach is located in Castaic Creek between Hwy 126 and Hasley Canyon Road, and borders the length of Hancock Pkwy. (Parcel Map No. 17949) and the developer is Newhall Land and Farm. The County will maintain this channel from 669' upstream of Murfield Lane Centerline to 478' downstream of Turnberry Lane Centerline. To avoid impacts within the mitigation area and also provide flood control protection, the County will *only* perform hand clearing in two 20 by 20 foot areas, around the two existing outlets for a total of 800 square feet of impact. Clearing around the two outlets will allow

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for inspection of the drainage facilities and will ensure that no vegetation blocks the outlets during storms.

5) Reach 105 - San Francisquito Canyon Channel (PD 2456)

The original WDR included maintenance of the San Francisquito Canyon channel from 417 feet upstream of Decoro Drive to 416 feet downstream of Decoro Drive. This channel reach is part of the Natural River Management Plan (NRMP) for the Santa Clara River and its tributaries. In order to comply with the NRMP requirements, The County will only maintain areas 50 feet up and downstream of Decoro Bridge.

In addition, the County will perform the following maintenance activities within the length of the channel as approved under the NRMP requirements: periodic removal of woody vegetation from rip-rap to protect its structural integrity; periodic clearing of storm drain outlets to ensure proper drainage; periodic removal of ponded water that cause odor problems; as-needed repairs of bridges; as-needed repairs of bank protection; and as-needed clearing of vegetation from water quality filters and treatment basins.

6) Reach 106 - Castaic Drain Outlet (RMD Channel)

This reach is located south of Ridge Route Road, west of Castaic Regional Sports Complex, north of Castaic Road and Tapia Canyon Road, east of Castaic Road and Interstate 5 in the community of Castaic in unincorporated Los Angeles County. The reach is located within the Santa Clara River Watershed. The reach upstream limit is at the toe of the grouted rip-rap apron and the downstream limit is 147 feet downstream of the grouted rip-rap apron. This reach is approximately 147 feet in length. The channel clearing will involve mechanized removal of vegetation along a 12 foot-wide access path aligned along the toe of the east bank, and installation and maintenance of crushed aggregate base on the access path.

7) Reach 107 - The Old Road Channel (RMD Channel)

This reach is located south of the intersection of Calgrove Boulevard and The Old Road, west of Interstate 5, east of The Old Road and Towsley Canyon Park in unincorporated Los Angeles County. The reach is located within the Santa Clara River Watershed. The reach upstream limit is 230 feet upstream of the driveway into 24136 The Old Road and the downstream limit is the upstream end of the concrete-lined channel. This reach is approximately 943 feet in length. Hand clearing of vegetation using manual and hand-operated tools will be performed at this reach.

8) Reach 108 – Pico Canyon Creek (PD 2528) (File 05-205)

This channel reach was transferred from a developer to the County for maintenance. The reach, previously approved for maintenance under File No. 05-205, will now be included under this WDR.

9) Reach 109 - Santa Clara River - S. Bank W. of McBean Pkwy (MTD1510):

This reach is in the Santa Clara River Watershed. This reach has an upstream limit of 371' U/S McBean Pkwy centerline (Latitude: 34.424217; Longitude: 118.563767); and a

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downstream limit of PD 1946 (Latitude: 34.424106, Longitude: 118.56255). The length is 371 linear feet.

10) Reach 110 - Hasley Canyon Channel (PD 2262)

This reach is in the Santa Clara River Watershed. This reach has an upstream limit of PD 2508 (Latitude: 34.451733, Longitude: 118.633603), and a downstream limit of Castaic Creek (Latitude 34.445553, Longitude 118.62425). The length is 3736 linear feet.

34. Channel clearing shall not exceed “1997/1998 storm season clearing level” conditions established by the Regional Board, CDFG, and ACOE prior to the 1997 El Niño storm season. This baseline level was utilized to identify the maximum vegetation removal authorized for each reach, and is included in the Maintenance Plan for Annual Clearing Activities, August 2005 (Maintenance Plan).
35. The County shall comply with the specifications of their Mitigation Monitoring Program, and the Maintenance Plan prepared for this project, or any subsequently approved plans that follow. Only revisions approved by the Regional Board Executive Officer and CDFG shall be authorized for this project.
36. Clearing will be either through the use of heavy equipment, including trucks, bulldozers, dump trucks, and front-end loaders, along with other specialized equipment, or in areas where there are sensitive species and native vegetation, clearing shall take place by hand as specified in the approved Maintenance Plan in order to selectively avoid protected resources. Equipment will access the channels by existing access roads.

Additional Activities Permitted

37. **Maintenance of All Existing Invert Access Ramps**
All existing channel invert access ramps shall be part of the approved annual maintenance for all earth-bottom channel facilities, including new reaches that have been added to the WDR. The invert access ramps, whether constructed with dirt, lined with concrete, or armored with riprap on the sides, are critical structures for access to earth-bottom channel reaches.

Maintenance activities for these ramps shall include inspection, minor maintenance repairs, and storm damage repair and rehabilitation. Storm damage repair and rehabilitation includes restoring ramps that are damaged or washed out during a storm, back to pre-storm conditions.

38. **One-Time Mechanical Sediment & Vegetation Removal for 1 Hand Clearing Channel Reach**
The approved Maintenance Plan now includes Reach 29 Las Virgenes Creek (PD T1684) MCI as a hand clearing only reach. A one-time mechanical sediment and vegetation

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clearing, which shall be performed outside of the nesting bird season, is authorized. - A recent fire in 2006 burned the open space conservancy area adjacent to the channel reach. The fire also burned some of the vegetation within the reach. In addition, the reach has not been maintained for several years. Overgrown trees, cattails, and non-native vegetation dominate the channel reach and have impacted the hydraulic capacity of the channel. The reach currently has ponded water.

Due to years of accumulated sediment and excessive growth of root balls, the hydraulic capacity of the channel has diminished. In addition, additional sediment is expected from mudflows from adjacent burned areas during a storm. Therefore, this channel reach requires sediment clearing using mechanical equipment. The mechanical equipment shall sit on top of the access road and reach into the channel and scoop out vegetation and approximately 3-5 feet of accumulated sediment and root balls. This is necessary to remove ponded water and to allow storm flows to flow freely during future storms. The County projects that approximately 462 tons of sediment and vegetation will be removed from this site and that it will take approximately 3 - 5 days to complete the sediment removal within a 370-foot section of the channel. If the expected scope changes, the Executive Officer shall be notified 21 days in advance of clearing activities.

39. **Notching Drain Channel Outlets at a 45-Degree Angle from the Outlet to the Middle of the Channel**

Notching and limited vegetation removal from drain channel outlets shall be conducted on reaches where mechanical removal of sediment and vegetation is allowed, and is consistent with the original channel designs. In stream reaches that are approved for mowing or hand removal of vegetation, work on installing notches at 45-degrees and clearing drain channel outlets shall be conducted by hand and shall be consistent with all terms of the Maintenance Plan and WDR.

Work Plan Notification Protocol

40. **Notification Protocol and Thresholds for Additional Review**

The Discharger shall send an Annual Work Plan not later than May 1 each year to the Regional Board Executive Officer and 401 Certification Unit staff, and periodically send notices of additional routine maintenance work as the needs are discovered in the field. The Executive Officer (EO) may require additional time to review or add additional requirements or require separate permitting for certain activities proposed upon review of the Annual Work Plan or notice of additional routine maintenance work; however, if the EO does not provide any comments, additional requirements or a request for additional time within 60 days for the Annual Work Plan, or 30 days for the notice of additional routine maintenance work, the County is authorized to proceed pursuant to the Annual Work Plan or notice of additional routine maintenance work as proposed.

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Routine maintenance may require additional review if the work exceeds certain thresholds of impact. For projects that exceed the following thresholds, the Discharger shall provide information similar to a pre-construction notification for a 401 Water Quality Certification for 60-day review.

Project Exceeds Original Footprint

For any work resulting in temporary or permanent impacts within the ordinary high water mark outside the original project boundaries, the County shall submit new proposed scope of work to the EO for confirmation that the project areas is within the scope of the WDR and may be required by the EO to reapply for supplemental WDRs with all pertinent information for consideration.

Project Deviates from the Pre-Approved Surface Water Diversion Plan

If water diversion is planned to occur in a manner which deviates from the Pre-Approved Water Diversion Plan, the County shall submit the new plan to the Regional Board Executive Officer and 401 Certification Unit staff for review and approval. The Executive Officer is authorized to approve changes to the Surface Water Diversion Plan provided that it is consistent with this WDR.

For projects exceeding the thresholds above, or triggering any of the BMPs requiring mitigation, the County will propose mitigation measures to compensate for loss of waters of the U.S. and wetland functions and values. Mitigation ratios will be determined on a case by case basis as detailed below. Mitigation proposed by the County will require approval by the Executive Officer.

Best Management Practices

41. All appropriate Best Management Practices (BMPs) shall be implemented in order to avoid any impacts to water quality. The Project shall not result in indirect impacts to water quality or beneficial uses of downstream water bodies. The Project shall not result in changes in the quantity or quality of storm water downstream water bodies during maintenance, or during operation subsequent to the maintenance activities. The Project shall not result in changes in the quantity or quality of storm water discharge during periods between maintenance activities, or upon its completion.

Feasibility Study (Pursuant to California Water Code 13267)

42. The Regional Board requires the information to be provided in the Feasibility Study to determine that the channel clearing activities have avoided, minimized or appropriately

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mitigated for effects on the beneficial uses of the affected reaches or to require changes to channel clearing activities to achieve the necessary avoidance, minimization or mitigation. Data and technical ability necessary to conduct the required analyses exists with the County. The required analyses have been split over multiple years to allow the County flexibility in completing the required studies.

43. As part of the on-going assessment of channel conditions and hydraulic capacity, the County shall perform a study of the hydraulic capacity and existing conditions of all reaches covered by this WDR to determine where a potential may exist for vegetation to remain within the soft-bottom portion of the channel (Feasibility Study). In addition, any channels which may potentially provide restoration opportunities for riparian habitat/vegetation growth shall be identified based on these assessments and a consideration of restoration plans by other agencies. The County shall implement the Feasibility Study process with a schedule of one or more watersheds per year to be analyzed, with completion of all watersheds/studies within six (6) years.
44. In the first year, the Feasibility Study shall be required for the Los Angeles River Watershed (which includes the mainstem reaches and all tributaries, including Compton Creek, covered by this WDR). The study area shall include any channels directly or indirectly affected by proposed maintenance. Each year, the County and the Regional Board Executive Officer shall determine in which watershed(s) the Feasibility Study shall be conducted in the subsequent year.
45. For each watershed, the Feasibility Study shall include (but not be limited to) the following components:
 - a. Study Workplan
 - b. Technical Assessment Report
 - c. Recommendations
46. **Study Workplans**
Within 6 months of WDR issuance, a Workplan for the first watershed shall be submitted to the Regional Board Executive Officer for approval. The plan will include: a detailed plan for a hydrological analysis of each earth-bottom segment in relation to the conveyance capacity of the upstream and downstream channels. The hydrological analysis shall include, but not be limited to, the height and density of vegetation in the earthen channel bottom and its effect on the conveyance capacity of flood flow in the channel as well as a consideration of changes in expected stream flow in response to requirements of the Los Angeles County Municipal Separate Storm Sewer (MS4) NPDES Permit, Standard Urban Stormwater Mitigation Plans (SUSMPs), Total Maximum Daily Loads (TMDLs) and other pertinent local plans including, but not limited to the Integrated Regional Water Management Plan (IRWMP) (including implementation of, and plans for, increased stormwater infiltration), the City of Los Angeles' Integrated Resources Plan, the relevant watershed master plan and the County's Drought Management Plan. Several reasonable Manning's n should be used in the hydrological analysis to evaluate the representative height of the channel for flood control

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and natural habitat purposes and should be in accordance with "Guide for Selecting Manning's Roughness Coefficients for Natural Channels and Flood Plains," United States Geological Survey Water-supply Paper 2339 or other appropriate guidance.

The assessment of biological functions and values of these reaches should be made such that comparisons of habitat type, maturity and extent of native or invasive plants can be made between reaches.

47. Water Quality Monitoring

The objectives of the water quality monitoring are to assess BMP effectiveness and to ensure that water quality is not impacted as a result of the proposed maintenance activities. As part of the Feasibility Study, water quality assessments within each reach will be required on a one-time basis before, after, and during maintenance clearing activities. The testing parameters required will be the same as for Surface Water Diversion.

- pH
- temperature
- dissolved oxygen
- turbidity
- total suspended solids (TSS)

Downstream TSS shall be maintained at ambient levels. Where natural turbidity is between 0 and 50 Nephelometric Turbidity Units (NTU), increases shall not exceed 20%. Where natural turbidity is greater than 50 NTU, increases shall not exceed 10%.

Analyses must be performed using approved US Environmental Protection Agency methods, where applicable. These constituents shall be measured at least once prior to diversion and then monitored for on a daily basis during the first week of diversion and/or dewatering activities, and then on a weekly basis, thereafter, until the in-stream work is complete.

These constituents shall be measured at least once prior to the maintenance activity and then monitored for on a daily basis during the first week of maintenance activities, and then on a weekly basis, thereafter, until the work is complete. When reaches are within the watershed designated for a Feasibility Study in a particular year, water quality monitoring should be conducted for those reaches as part of the Feasibility Study and reported with the Technical Assessment Report.

48. Technical Assessment Report – Hydrologic, Water Quality and Geomorphologic Assessment

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Within 6 months of Workplan approval, a Technical Assessment Report shall be submitted and will include a reach-by-reach list of all the reaches included in the subject watershed with a hydrologic analysis of each reach.

This report will also include an assessment of the biological functions and values for each reach and an assessment of water quality as required. For each reach, the report shall address capacity requirements for flood control; design criteria and anticipated limitations; and an analysis of potential areas where vegetation may remain and areas with the potential for restoration of native vegetation. For those areas where vegetation may remain, the technical assessment report should specify the amount(s) and type(s) of native vegetation that could remain in the channel.

49. **Recommendations**

Within 6 months of Workplan approval, recommendations shall be submitted to the Regional Board Executive Officer and shall include options for reaches where vegetation may be allowed to remain or where native vegetation could be re-established.

Recommendations shall also include suggested schedules of vegetation removal frequency in order to ensure the maximum habitat preservation, consistent with necessary flood control, is achieved. For recommendations approved by the Executive Officer, the County shall make the necessary changes to the Maintenance Plan, including proposals for additional BMPs as may be appropriate, and shall submit such changes to the Executive Officer 21 days prior to any clearing activities.

Regulatory Authority

50. The Board has determined to regulate the subject discharge of fill materials into waters of the State by issuance of waste discharge requirements (WDRs) pursuant to Section 13263 of the California Water Code (CWC). The Board considers WDRs necessary to adequately address impacts and mitigation to beneficial uses of waters of the State from this Project, to meet the objectives of the California Wetlands Conservation Policy (Executive Order W-59-93), and to accommodate and require appropriate changes over the life of the Project.

51. The Board, on June 13, 1994, adopted, in accordance with Section 13240 et seq. of the CWC, a revised Water Quality Control Plan, Los Angeles Region (Basin Plan). This updated and consolidated revised Basin Plan was approved by the State Water Resources Control Board and the Office of Administrative Law on November 17, 1994, and February 23, 1995, respectively. A summary of regulatory provisions is contained in 23 CCR 3912. The Basin Plan defines beneficial uses and water quality objectives for waters of the State, including surface waters and ground waters. This Order is in compliance with the Basin Plan, and amendments thereto.

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52. The goals of the California Wetlands Conservation Policy (Executive Order W-59-93, signed August 23, 1993) include ensuring “no overall loss” and achieving a “...long-term net gain in the quantity, quality, and permanence of wetland acreage and values...” Senate Concurrent Resolution No. 28 states that “[i]t is the intent of the legislature to preserve, protect, restore, and enhance California’s wetlands and the multiple resources which depend on them for benefit of the people of the State.” Section 13142.5 of the CWC requires that the “[h]ighest priority shall be given to improving or eliminating discharges that adversely affect...wetlands, estuaries, and other biologically sensitive areas.”
53. The California Environmental Quality Act (CEQA) requires all Projects approved by State agencies to be in full compliance with CEQA, and requires a lead agency to prepare an appropriate environmental document (e.g., Environmental Impact Report or Negative Declaration) for such Projects. The Board finds that the proposed activities are categorically exempt pursuant to Section 15301(d) (Existing Facilities) of the California Environmental Quality Act (CEQA)
54. This Project is filed with the Regional Board under file number 99-011, 2009 WDR.
55. The Board has notified the Los Angeles County Department of Public Works and other interested agencies and persons of its intent to prescribe WDRs for this discharge.
56. A tentative WDR was released for public comment on October 12, 2009. Written comments were accepted until 5:00 p.m. on November 12, 2009.
57. The Board, in a public meeting on December 10, 2009, heard and considered all comments pertaining to the discharge.

Prohibitions

1. Fueling, lubrication, maintenance, operation, and storage of vehicles and equipment shall not result in a discharge or a threatened discharge to waters of the State. At no time shall the County use any vehicle or equipment which leaks any substance that may impact water quality. Staging and storage areas for vehicles and equipment shall be located outside of waters of the State.
2. No construction material, spoils, debris, or any other substances associated with this project that may adversely impact water quality standards, shall be located in a manner which may result in a discharge or a threatened discharge to waters of the State. Designated spoil and waste areas shall be visually marked prior to any excavation and/or construction activity, and storage of the materials shall be confined to these areas.

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3. The discharge shall not: a) degrade surface water communities and populations including vertebrate, invertebrate, and plant species; b) promote the breeding of mosquitoes, gnats, black flies, midges, or other pests; c) alter the color, create visual contrast with the natural appearance, nor cause aesthetically undesirable discoloration of the receiving waters; d) cause formation of sludge deposits; or e) adversely affect any designated beneficial uses.

Provisions

4. The County shall submit to this Regional Board 401 Certification Unit staff copies of any other final permits and agreements required for this project, including, but not limited to, the U.S. Army Corps of Engineers' (ACOE) Section 404 Permit and the California Department of Fish and Game's (CDFG) Streambed Alteration Agreement. These documents shall be submitted prior to any discharge to waters of the State.
5. The County will comply with the specifications of their Mitigation Monitoring Program, and the Maintenance Plan as revised in August 2005, or any subsequently approved plans that follow.
6. Prior to any maintenance activities within the subject reaches, the County shall develop and publish watershed maps which indicate areas of maintenance (impact acreages and types of vegetation impacted) and approximate schedules (including baseline biological surveys, post-surveys and maintenance activity descriptions). This information shall be made publicly available on the County's Department of Public Works internet website and be noticed to watershed councils and other interested parties prior to any routine maintenance activities. For each reach, the information shall include: (a) the proposed schedule; (b) a description of the reach's existing condition; (c) the area of proposed impact; and (d) a description of any existing aquatic resources (e.g., wetland/riparian vegetation based on readily available information and pre-clearing biological surveys). After submission to the Regional Board Executive Officer, the County will post the Annual Project and Mitigation Monitoring Reports as required.
7. The Applicant shall develop and implement a Plan for Hazard Analysis and Critical Control Points (HACCP). This plan may be developed with Regional Board 401 Certification Unit staff assistance in order to implement prevention and control of aquatic nuisance species. The draft plan shall be submitted to the Regional Board 401 Certification Unit staff within two months after issuance of this WDR. Further information regarding the development of the HACCP can be found at: <http://www.anstaskforce.gov/haccp.php>.
8. The County shall comply with all water quality objectives, prohibitions, and policies set forth in the *Water Quality Control Plan, Los Angeles Region (1994)*, as amended.

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9. The County shall implement all Best Management Practices as outlined in the Maintenance Plan, including, but not limited to, the following:

Prior to start of any annual maintenance clearing, qualified biologists shall perform pre-clearing biological resource surveys and photo documentation including sensitive/endangered species focused surveys on specific reaches. No work shall commence without confirmation of findings or no findings of sensitive/endangered species from the biologists. These surveys are also meant to minimize impact on any resources that may potentially use or benefit from the channel.

During construction, biologists shall be available for consultation for any issues that may arise.

10. The County and all contractors employed by the County shall have copies of this WDR, the approved Maintenance Plan, and all other regulatory approvals for this project on site at all times and shall be familiar with all conditions set forth therein.
11. All excavation, construction, or maintenance activities shall follow best management practices to minimize impacts to water quality and beneficial uses. Dust control activities shall be conducted in such a manner that will not produce downstream runoff.
12. All waste and/or dredged material removed shall be relocated to a legal point of disposal if applicable. A legal point of disposal is defined as one for which Waste Discharge Requirements have been established by a California Regional Water Quality Control Board, and is in full compliance therewith. Please contact the Land Disposal Unit, at (213) 620-6600 for further information.
13. The County shall implement all necessary control measures to prevent the degradation of water quality from the proposed project in order to maintain compliance with the Basin Plan. The discharge shall meet all effluent limitations and toxic and effluent standards established to comply with the applicable water quality standards and other appropriate requirements, including the provisions of Sections 301, 302, 303, 306, and 307 of the Clean Water Act. This WDR does not authorize the discharge by the County for any other activity than specifically described in the current 404 Permit for this project.
14. The Applicant shall allow the Regional Board and its authorized representative entry to the premises, including all mitigation sites, to inspect and undertake any activity to determine compliance with this WDR, or as otherwise authorized by the California Water Code.
15. Application of pesticides must be supervised by a certified applicator and be in conformance with manufacturer's specifications for use. Compounds used must be appropriate to the target species and habitat. Pesticide utilization shall be in accordance with State Water Resources Control Board Water Quality Order Nos. 2004-0008-DWQ and 2004-0009-DWQ.

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16. The Applicant shall not conduct any routine maintenance activities within waters of the State during a rainfall event. The Applicant shall maintain a **one-day (1-day) clear weather forecast** before conducting any operations within waters of the State. If rain is predicted within 12 hours after operations have begun, activities shall cease temporarily, and protective measures to prevent siltation/erosion shall be implemented and maintained.
17. Any routine maintenance activities will be phased to limit the exposed or working face such that the graded area can be stabilized within 96 hours after the first prediction of rain during the 5-day forecast or within 24 hours after final grading of the phased area.
18. The Applicant shall utilize the services of a qualified biologist with expertise in riparian assessments during all construction activities where clearing involves areas to be partially cleared (i.e. some vegetation is to remain in the same reach or in an adjacent reach). The biologist shall be available on site during construction activities to ensure that all protected areas are marked properly and ensure that no vegetation outside the specified areas is removed. The biologist shall have the authority to stop the work, as necessary, if instructions are not followed. The biologist shall be available upon request from this Regional Board staff for consultation within 24 hours of request of consultation.
19. No activities shall involve wet excavations (i.e., no excavations shall occur below the seasonal high water table). A minimum **5-foot** buffer zone shall be maintained above the existing groundwater level. If construction or groundwater dewatering is proposed or anticipated, the County shall file a **Report of Waste Discharge** to this Regional Board and obtain any necessary NPDES permits/Waste Discharge Requirements prior to discharging waste. Sufficient time should be allowed to obtain any such permits (generally 180 days). If groundwater is encountered without the benefit of appropriate permits, the County shall cease all activities in the areas where groundwater is present, file a Report of Waste Discharge to this Regional Board, and obtain any necessary permits prior to discharging waste.
20. All maintenance activities not included in this WDR, and which may require a permit, must be reported to the Regional Board for appropriate permitting. Bank stabilization and grading, as well as any other ground disturbances, are subject to restoration and revegetation requirements, and may require additional WDR action.
21. Maintenance activities in the Santa Clara River area shall comply with the provisions of the Natural Rivers Management Plan (NRMP). The following provisions apply to soft-bottom channel reaches that are within the jurisdiction of the approved NRMP: a) Periodic clearing of vegetation immediately upstream and downstream of certain existing bridges which were not designed in accordance with the NRMP; b) Periodic removal of woody vegetation from riprap to protect its structural integrity; c) Periodic clearing of storm drain outlets to ensure proper drainage; d) Periodic removal of ponded water that cause odor problems; e) As needed repairs of bridges; f) As-needed repairs of bank

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protection; and g) As needed clearing of vegetation from water quality filters and treatment basins

22. All surface waters, including ponded waters, shall be diverted away from areas undergoing grading, construction, excavation, vegetation removal, and/or any other activity which may result in a discharge to the receiving water. If surface water diversions are anticipated, the County shall develop and submit a Surface Water Diversion Plan (plan) to the Executive Officer. The plan shall include the proposed method and duration of diversion activities, structure configuration, construction materials, equipment, erosion and sediment controls, and a map or drawing indicating the locations of diversion and discharge points. Contingency measures shall be a part of this plan to address various flow discharge rates. The plan shall be submitted prior to any surface water diversions. If surface flows are present, then upstream and downstream monitoring for the following shall be implemented:

- pH
- temperature
- dissolved oxygen
- turbidity
- total suspended solids (TSS)

Downstream TSS shall be maintained at ambient levels. Where natural turbidity is between 0 and 50 Nephelometric Turbidity Units (NTU), increases shall not exceed 20%. Where natural turbidity is greater than 50 NTU, increases shall not exceed 10%.

Analyses must be performed using approved US Environmental Protection Agency methods, where applicable. These constituents shall be measured at least once prior to diversion and then monitored for on a daily basis during the first week of diversion and/or dewatering activities, and then on a weekly basis, thereafter, until the in-stream work is complete.

The County shall submit results of the analyses to the Regional Board, to the attention of the 401 Program Unit, by the 15th day of each subsequent sampling month. A map or drawing indicating the locations of sampling points shall be included with each submittal. Diversion activities shall not result in the degradation of beneficial uses or exceedance of water quality objectives of the receiving waters. Any such violations may result in corrective and/or enforcement actions, including increased monitoring and sample collection.

23. The County shall restore all areas of TEMPORARY IMPACTS to waters of the United States and all other areas of temporary disturbance outside of areas of maintenance which could result in a discharge or a threatened discharge to waters of the State. Restoration shall include returning areas to pre-project contours and planting with native vegetation, if feasible. Restored areas shall be monitored and maintained with native species as

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necessary for five years. The County shall implement all necessary Best Management Practices to control erosion and runoff from areas associated with this project.

24. Prior to clearing of the new reaches, the County will document and provide to the Regional Board the amount of riparian vegetation to be removed for maintenance in these reaches and will provide mitigation for each reach.
25. The County shall provide COMPENSATORY MITIGATION for the new impacts at a minimum ratio of 2:1. If ongoing maintenance activities were covered by previous certifications, additional mitigation will not be required.
26. The County shall submit a Mitigation Plan for approval to this Regional Board Executive Officer and 401 Certification Unit staff for the new permanent impacts at least 60 days prior scheduling clearing to allow for the review and approval of the Mitigation Plan. The Mitigation Plan will specify location, methods, monitoring, performance criteria, reporting and any other pertinent information. Regional Board Executive Officer will approve the plan, require changes and re-submission, or will make modifications to the plan, as appropriate to achieve the no-net-loss policy of Executive Order W-59-93
27. Mitigation shall take place in the vicinity of the impacted reach, or if not feasible, within the same watershed.
28. All mitigation areas shall be preserved and maintained as habitat in perpetuity.
29. Pursuant to California Water Code section 13267, the County shall submit to this Regional Board Executive Officer and 401 Certification Unit staff an **Annual Project and Mitigation Monitoring Report (Annual Report)** by **May 1st** of each year for each year the WDR is in effect.
30. The Annual Report shall describe in detail all of the project/maintenance activities performed during the previous year and all restoration and mitigation efforts; including percent survival by plant species and percent cover. The Annual Reports shall describe the status of other agreements (e.g., mitigation banking) or any delays in the mitigation process. At a minimum the Annual Reports shall include the following documentation:
 - a) Color photo documentation of the immediately pre- and post-project and mitigation site conditions as well as periodic photo documentation of post-project and mitigation site conditions between project activities;
 - b) Narrative and photo documentation of any BMP installations during project maintenance activities and immediately after maintenance activities as well as periodically between maintenance activities. In addition, an evaluation of the effectiveness of BMPs utilized shall be provided based on field observations and water quality monitoring data required.

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- c) Photo documentation of any vegetation left within maintenance areas immediately following maintenance clearing (including acreage);
 - d) Documentation of volumes of vegetation removed from the project areas;
 - e) Documentation of volumes of trash removed from the project areas;
 - f) Documentation of volumes of sediment removed from the project areas;
 - g) Geographical Positioning System (GPS) coordinates in decimal-degrees format outlining the boundary of the project and mitigation areas;
 - h) The overall status of project including a detailed schedule of work;
 - i) Copies of all revised permits related to this project.
 - j) Water quality monitoring results for each reach (as required) compiled in an easy to interpret format.
 - k) A certified Statement of “no net loss” of wetlands associated with this project;
 - l) Discussion of any monitoring activities and exotic plant control efforts;
 - m) Description of all outreach activities in the previous year; and
 - n) A certified Statement from the County that all conditions of this WDR have been met.
31. Pursuant to California Water Code section 13267, the County shall submit an **Annual Workplan** with a schedule of the upcoming reaches proposed for cleanout within 60 days of WDR issuance and annually thereafter. The Annual Workplan shall include information such as: (a) proposed schedule; (b) acreage of areas to be impacted (vegetated and non-vegetated); (c) a description of any existing aquatic resources; and (d) proposed application of pesticides.
32. All applications, reports, or information submitted to the Regional Board shall be signed by either a principal executive officer, ranking elected official, or other duly authorized employee.
33. Each and any report submitted in accordance with this WDR shall contain the following completed declaration;

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“I declare under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who managed the system or those directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Executed on the _____ day of _____ at _____.

_____ (Signature)

_____ (Title)”

34. All communications regarding this project and submitted to this Regional Board shall identify the Project File Number **99-011 2009 WDR**. Submittals shall be sent to the Executive Officer where identified and to the 401 Certification Unit, Attention: Valerie Carrillo.
35. Any modifications of the proposed project may require submittal of a new Clean Water Act Section 401 Water Quality certification application or WDR application and appropriate filing fee.
36. Coverage under this WDR may be transferred to the extent the underlying federal permit may legally be transferred and further provided that the County notifies the Executive Officer at least 30 days before the proposed transfer date, and the notice includes a written agreement between the existing and new party containing a specific date of coverage, responsibility for compliance with this WDR, and liability between them.

Enforcement:

37. The County or their agents shall report any noncompliance. Any such information shall be provided verbally to the Executive Officer within 24 hours from the time the County becomes aware of the circumstances. A written submission shall also be provided within five days of the time the County becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected; the anticipated time it is expected to continue and steps taken or planned to reduce, eliminate and prevent recurrence of the noncompliance. The Executive Officer, or an authorized representative, may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

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- (a) In the event of any violation or threatened violation of the conditions of this WDR, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under State law.
 - (b) In response to a suspected violation of any condition of this WDR, the State Water Resources Control Board (State Board) or Regional Water Quality Control Board may require the holder of any permit or license subject to this WDR to furnish, under penalty of perjury, any technical or monitoring reports the State Board or Regional Board deems appropriate, provided that the burden, including costs, of the reports shall be a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
 - (b) In response to any violation of the conditions of this WDR, the State Board or Regional Board may add to or modify the conditions of this WDR as appropriate to ensure compliance.
38. After notice and opportunity for a hearing, this Order may be terminated or modified for cause, including, but not limited to:
- a. Violation of any term or condition contained in this Order;
 - b. Obtaining this Order by misrepresentation, or failure to disclose fully all relevant facts;
 - c. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized reuse;
 - d. Endangerment to public health or environment that can only be regulated to acceptable levels by Order modification or termination.
39. Additional Reports: The Dischargers shall furnish, within a reasonable period of time, any information the Regional Board may request to determine whether or not cause exists for modifying, revoking and reissuing, or terminating this Order. The Dischargers shall also furnish to the Regional Board, upon request, copies of records required to be kept by this Order.
40. Discharge a Privilege: All discharges of waste into the waters of the State are privileges, not rights. In accordance with Water Code section 13263(g), these requirements shall not create a vested right to continue to discharge and are subject to rescission or modification.
41. Term: This Order shall remain in effect for a period of 5 years. Should the County wish to continue maintenance activities for a period of time in excess of 5 years, the County must file a Report of Waste Discharge with the Regional Board no later than 140 days in advance of the 5th-year anniversary date of the Order for consideration of issuance of new or revised requirements. Any discharge of waste five years after the date of adoption of this Order, without filing a Report of Waste Discharge with this Regional Board, is a violation of Water Code section 13264. The Regional Board is authorized to take

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appropriate enforcement action for any noncompliance with this provision including assessment of penalties.

I, Tracy J. Egoscue, Executive Officer, do hereby certify the foregoing is a full, true and correct copy of an Order adopted by the California Regional Water Quality Control Board, Los Angeles Region, on December 10, 2009.

Ordered by: _____
Tracy J. Egoscue
Executive Officer

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